

§ 6-62-18 Requirements for vehicle leasing. (a) Motor carriers may either own or lease the vehicles necessary or useful in the performance of operations under their certificates or permits. A motor vehicle lease must be in writing and a copy filed with the commission.

(b) A motor vehicle lease shall not include the services of a driver. The driver or operator shall be employed through a separate transaction in which the driver or operator becomes an employee of the motor carrier. No motor vehicle may be leased and no drivers may be employed for compensation based on percentage or tonnage transported, either per trip or for a period.

(c) A motor vehicle lease must be for a duration of not less than six months, except that motor carriers may lease motor vehicles from day to day from another motor carrier. A lease, other than a day-to-day lease, may be subject to cancellation by either party upon fifteen days' notice to the other party and the commission. All leased vehicles must be marked in accordance with the requirements of section 6-62-20 and subsection (d).

(d) The lessee shall be solely responsible for and maintain exclusive control over leased motor vehicles. The leased motor vehicle shall bear the lessee's name and other required identification on both sides of the motor vehicle.

(e) The bill of lading, freight bill, or passenger charges covering the freight or passengers carried in the leased motor vehicle must bear the name of, and be issued by, the lessee.

(f) The motor carrier leasing the motor vehicle shall explicitly state whether the leased motor vehicle is covered by insurance which meets the insurance requirements in sections 6-62-8 and 6-62-9 either in the lease agreement or by separate written notification to the commission. [Eff]
(Auth: HRS §271-9) (Imp: HRS §§271-9, 271-11)